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DEC 07 2006

OFFICE OF PETITIONS

In re Application of :
Lohr, et al :
Application No. 10/782,516 :
Filed: February 18, 2004 : **ON PETITION**
Attorney Docket No. 04015 :
For: COMPOSITE HINGED DOOR AND :
INSERT THEREFOR :

This is a decision on the reconsideration petition under 37 CFR 1.47(a) and the reconsideration petition under 37 CFR 1.137(b) to revive the above-identified application. Both petitions were filed on September 5, 2006.

The petition under 37 CFR 1.47(a) is **GRANTED**.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to submit a reply to the August 10, 2004 Notice to File Missing Parts of Nonprovisional Application, which set an extendable two month period for reply to submit an executed declaration and a surcharge. No reply being received, the Office considered this application abandoned on October 11, 2004. A Notice of Abandonment was mailed on May 13, 2005.

Petitioner has shown that the non-signing inventor, Dwight D. Lohr, has expressly refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declaration by Nicholas Baxter, CEO of European and U.S. Operation of Austral Monsoon Industries Pty. Ltd, parent company to Diamond Roll-Up Door, Inc., Mr. Lohr's former employer, explains that Mr. Lohr received and reviewed a copy of the application and declaration before the application was filed. On August 15, 2004, Mr. Lohr refused to sign the declaration during a meeting with Mr. Baxter. Petitioner has submitted a declaration in compliance with 37 CFR 1.63 and 1.64.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Applicant has submitted (1) a proper reply to the August 10, 2004 Notice to File Missing Parts of Nonprovisional Application in the form of an acceptable declaration and a late declaration surcharge, (2) an acceptable statement of the unintentional nature of the delay in responding to the August 10, 2004 Notice, and the petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

After the mailing of this decision, the application file will be returned to the Office of Initial Patent Examination for further processing. Thereafter the application will be forwarded to Technology Center A.U. 3635 for examination in due course.

Telephone inquiries may be directed to the undersigned at (571) 272-3230.

A handwritten signature in cursive script, reading "Shirene Willis Brantley".

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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SUPPERSANDUSKY, OH 43351

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Dear Mr. Lohr:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703)308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703)308-9726 or 1(800)972-6382 (outside the Washington D.C. area).

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230.

A handwritten signature in black ink, reading "Shirene Willis Brantley". The signature is fluid and cursive, with the first name "Shirene" being the most prominent.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: GALLAGHER & DAWSEY CO., L.P.A.
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